DOCKET NO. 214149US-99M CONT

IN RE APPLICATION OF :

GENE EGGLESTON ET AL. :

CPA OF
SERIAL NO. 09/095,325 : GROUP ART UNIT: 2153

FILED: JUNE 10, 1998 : EXAMINER: Dihn, D. (anticipated)

FOR: METHOD AND APPARATUS FOR
RATE GOVERNING COMMUNICATIONS :

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37 CFR 1.607 REQUEST FOR AN
INTERFERENCE WITH A PATENT

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

I. 37 CFR 1.607(a)(1)

The patent is U.S. patent No. 6,219,694 issued April 17, 2001 and naming Mihal

Lazaridis et al. as the inventors. The assignee at issue was Research In Motion Limited.

Incidentally, the examiner should be aware that the assignee of this application has also·

filed a request for an interference between the Lazaridis et al. patent and application serial No.

09/645,832.

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II. 37 CFR 1.607(a)(2)

Applicants propose the following count, which is in the format approved by the

Commissioner in Orikasa v. Oonishi, 10 USPQ2d 1999, 2003 (Comm'r 1990), and Davis v. Uke,

27 USPQ2d 1180, 1188 (Comm'r 1993):

Claims 1-36 in the Lazaridis et al. patent

OR

Claims 33-68 in the Eggleston et al. application.

It should particularly be noted that, pursuant to the Commissioner's opinion in Orikasa, it

is appropriate to use a count of this type where the recited claims are in different statutory classes

so long as the subject matter recited in the various claims is not patentably distinct.

III. 37 CFR 1.607(a)(3)

All 36 claims in the Lazaridis et al. patent correspond to the proposed count. Indeed, the

proposed count includes all of the claims in that patent.

IV. 37 CFR 1.607(a)(4)

Claims 33-68 presented in the 37 CFR 1.607(a)(4) amendment submitted herewith

correspond to the proposed count.

V. 37 CFR 1.607(a)(5)

The terms of the application claims identified as corresponding to the proposed count and

not previously in the application can be applied to the disclosure of the application as follows

33. A method of forwarding messages between a host system and a mobile client, comprising the steps of:	Page 4 lines 16-29.
establishing a session based on loaded parameters at the host system;	Page 12 lines 1-28.
maintaining the session at the host system and querying the host system;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
receiving messages directed to a first address at the host system from a plurality of message senders;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
in response to a query, continuously forwarding the messages from the host system to the mobile client;	Page 7 line 23 through Page 8 line 7. Page 12 lines 1-28.
receiving the messages at the mobile client;	Page 12 lines 1-28.
generating reply messages at the mobile client to be sent to the plurality of message senders and transmitting the reply messages to the host system;	Page 12 lines 1-28. Page 7 line 23 through Page 8 line 7.
receiving the reply messages at the host system and configuring address information of the reply messages such that the reply messages use the first address associated with the host system as the originating address, wherein messages generated at either the host system or the mobile client share the first address; and	Page 7 line 23 through Page 8 line 7.
transmitting the reply messages from the host system to the plurality of message senders.	Page 7 line 23 through Page 8 line 7.
34. The method of claim 33, further comprising the step of:	
storing information regarding the configuration of the mobile client at the host system.	Page 9 line 28 through Page 10 line 17.
35. The method of claim 34, wherein the configuration information stored at the host include:	Page 9 line 28 through Page 10 line 17.
(A) the network address of the mobile client; and	Page 11 lines 3-33.
(B) an indication of the types of message attachments that the mobile client will receive and process.	Page 14 line 16 through Page 15 line 19.

36. The method of claim 35, wherein the configuration information further includes: (C) an indication of the protocol of the mobile client.	Page 9 line 28 through Page 10 line 17.
37. The method of claim 35, further comprising the steps of: for each message to be forwarded, the host system determining whether the message includes an attachment, and if so then determining the type of attachment;	Page 14 line 16 through Page 15 line 19.
accessing the stored configuration information at the host system to determine whether the mobile client will receive and process attachments of the determined type; and	Page 14 line 16 through Page 15 line 19.
if so, then forwarding the attachments to the mobile client.	Page 14 line 16 through Page 15 line 19.
38. The method of claim 37, wherein the type of attachment is a sound file.	Page 28 lines 10-35.
39. The method of claim 33, wherein the received messages are addressed using a sender address and a receiver address, the method further comprising the steps of:	Page 7 line 23 through Page 8 line 7.
determining whether the receiver address is associated with the mobile client;	Page 7 line 23 through Page 8 line 7. Page 11 lines 3-33.
if the receiver address is associated with the mobile client, then determining a network address of the mobile client and packetizing the messages using the receiver address and the network address of the mobile client; and	Page 12 lines 1-28.
after receiving the forwarded messages at the wireless subscriber unit, displaying the messages at the mobile client using the sender address and the receiver address, so that it appears as though the mobile client is the host system.	Page 7 line 23 through Page 8 line 7.

40. The method of claim 33, wherein the parameters of the established session at the host system include external events, internal events, or networked events.	Page 28 lines 10-35.
41. The method of claim 40, wherein the external event is a registration message from the mobile client.	Page 11 lines 3-33.
42. The method of claim 40, wherein the internal event is an execution of control messages.	Page 11 lines 3-33. Page 28 lines 10-35.
43. The method of claim 40, wherein the internal event is an execution of programs.	Page 11 lines 3-33. Page 28 lines 10-35.
44. The method of claim 40, wherein the internal event is a timer operation.	Page 13 lines 4-27. Page 28 lines 10-35.
45. The method of claim 40, wherein the networked events include messages to begin forwarding from computer systems other than the mobile client, which are connected to the host system via a wired network.	Page 11 lines 3-33.
46. The method of claim 33, wherein the mobile client is a mobile station.	Page 7 lines 1-22.
47. The method of claim 33, wherein the mobile client is a device equipped to receive both voice and non-voice data messages.	Page 28 lines 10-35.
48. The method of claim 33, wherein the host system includes a client profile database limiting the forwarding step to forwarding only those messages that are transmitted to the host system from a sender stored in the database.	Page 14 line 16 through Page 15 line 19.
49. The method of claim 48, wherein a user can add and subtract senders from the database.	Page 14 line 16 through Page 15 line 19.
50. The method of claim 49, wherein the user can add and subtract senders from the database by configuring the host system.	Page 14 line 16 through Page 15 line 19.

51. The method of claim 49, wherein the user can add and subtract senders from the database by transmitting a command message from the mobile client to the host system.	Page 17 lines 1-44.
52. The method of claim 48, wherein an active client profile database is activated and deactivated at the host.	Page 11 lines 3-33.
53. The method of claim 48, wherein an active client profile database is activated and deactivated from the mobile client.	Page 17 lines 1-44.
54. A message forwarding method operating at a host system, comprising the steps of:	Page 4 lines 16-29. Page 12 lines 1-28.
associating a first address with the host system;	Page 7 line 23 through Page 8 line 7.
establishing a session with the host system based on loaded parameters;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
maintaining the session at the host system and querying the host system;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
receiving messages at the host system from a plurality of message senders;	Page 7 line 23 through Page 8 line 7. Page 12 lines 1-28.
in response to a query, continuously forwarding the received messages from the host system to a mobile client associated with the host system;	Page 12 lines 1-28.
receiving reply messages from the mobile client at the host system and configuring the reply messages using the first address associated with the host system as the originating address, wherein messages generated at either the mobile client or the host system share the first address; and	Page 7 line 23 through Page 8 line 7.
transmitting the configured reply messages from the host system to the plurality of message senders.	Page 7 line 23 through Page 8 line 7.

55. A message forwarding method, comprising the steps of:	Page 4 lines 16-29. Page 12 lines 1-28.
establishing a session with the host system based on loaded parameters;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
maintaining the session with the host system and querying the host system;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
receiving messages at the host system from a plurality of message senders;	Page 7 line 23 through Page 8 line 7. Page 12 lines 1-28.
in response to a query, continuously forwarding the received messages from the host system to a mobile client associated with the host system, wherein a first email address for the user of the mobile client is associated with the host system;	Page 12 lines 1-28.
receiving the forwarded messages at the mobile client;	Page 12 lines 1-28.
generating reply messages at the mobile client;	Page 7 line 23 through Page 8 line 7.
transmitting the reply messages from the mobile client to the host system;	Page 7 line 23 through Page 8 line 7.
receiving the reply messages at the host system and configuring the reply messages using the first email address for the user of the mobile client as the address originating the reply messages, wherein messages generated at either the host system or the mobile client share the first email address; and	Page 7 line 23 through Page 8 line 7.
transmitting the configured reply messages from the host system to the plurality of message senders.	Page 7 line 23 through Page 8 line 7.

56. A computer system for forwarding messages from a mobile client comprising: a host system capable of sending and receiving messages, wherein a message sender's email address is associated with the host system; a forwarding component operable with the host system that upon receiving a message generated at the mobile client, by a message sender destined for a message recipient, configures address information of the received message, prior to forwarding to the message recipient, such that the received message uses the message sender's email address associated with the host system, thereby allowing messages generated at either the mobile client or host system to share the message sender's email address associated with the host system.	Page 4 lines 16-29. Page 12 lines 1-28. Page 7 line 23 through Page 8 line 7.
57. A computer system as claimed in claim 56, wherein a from email address field in the configured received message is the message sender's email address associated with the host system.	Page 7 line 23 through Page 8 line 7.
58. A computer system as claimed in claim 57, wherein a reply-to email address field in the configured received message is the message sender's email address associated with the host system.	Page 7 line 23 through Page 8 line 7.
59. A computer system as claimed in claim 58, further comprising a code added to the configured received message to make an indication to the message recipient.	Page 9 line 28 through Page 10 line 17.

60. A method for forwarding messages generated at a mobile client by a message sender destined for a message recipient, comprising the steps of:	Page 7 line 23 through Page 8 line 7.
receiving a message, generated at the mobile client by the message sender destined for the message recipient, at a forwarding component associated with a host system, wherein messages generated at the host system by the message sender use a first address;	Page 12 lines 1-28. Page 7 line 23 through Page 8 line 7.
configuring address information of the received message such that the received message uses the message sender's first address as the address originating the message, wherein messages generated at either the mobile client or host system share the message sender's first address; and	Page 7 line 23 through Page 8 line 7.
forwarding the configured received message to the message recipient.	Page 7 line 23 through Page 8 line 7.
61. A method as claimed in claim 60, wherein the message sender's first address is an email address associated with the host system.	Page 7 line 23 through Page 8 line 7.
62. A method as claimed in claim 61, wherein the configuring step ensures a from address field in the configured received message is the message sender's email address associated with the host system.	Page 7 line 23 through Page 8 line 7.
63. A method as claimed in claim 62, wherein the configuring step ensures a reply-to email address field in the configured received message is the message sender's email address associated with the host system.	Page 7 line 23 through Page 8 line 7.

64. A method for forwarding messages between a host system and a mobile client, comprising the steps of:	Page 12 lines 1-28.
establishing a session with the host system based on loaded parameters;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
maintaining the session with the host system and querying the host system;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
receiving incoming messages directed to a first address at the host system from a plurality of message senders, wherein the first address is associated with messages generated at the host system by a user of the mobile client;	Page 12 lines 1-28.
in response to a query, continuously forwarding the incoming messages from the host system to the mobile client;	Page 12 lines 1-28.
receiving outgoing messages generated at the mobile client at the host system;	Page 7 line 23 through Page 8 line 7.
configuring address information of the outgoing messages so that the first address is used as an originating address of the outgoing messages, wherein messages generated at either the mobile client or the host system share the first address; and	Page 7 line 23 through Page 8 line 7.
transmitting the outgoing messages from the host system to message recipients.	Page 7 line 23 through Page 8 line 7.

65. A computer readable medium encoded with software instructions for enabling a method of forwarding messages generated at a mobile client by a message sender destined for a message recipient, the method comprising the steps of:	Page 7 line 23 through Page 8 line 7.
receiving a message, generated at the mobile client by the message sender destined for the message recipient, at a forwarding component associated with a host system, wherein messages generated at the host system by the message sender use a first address;	Page 7 line 23 through Page 8 line 7. Page 12 lines 1-28.
configuring address information of the received message such that the received message uses the message sender's first address as the address originating the message, wherein messages generated at either the mobile client or host system share the message sender's first address; and	Page 7 line 23 through Page 8 line 7.
forwarding the configured received message to the message recipient.	Page 7 line 23 through Page 8 line 7.
66. The method of claim 60, further comprising the steps of:	
establishing a session with the host system based on loaded parameters;	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17..
maintaining the session with the host system and querying the host system; and	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17.
continuously forwarding messages received at the host system to the mobile client.	Page 12 lines 1-28.
67. The method of claim 66, wherein the session is an execution of programs.	Page 4 lines 16-29.
68. The method of claim 66, further comprising the steps of:	
loading parameters at the host system; and	Page 9 line 28 through Page 10 line 17.
filtering received messages at the host system using one or more message filter prior to forwarding messages to the mobile client.	Page 4 lines 16-29. Page 9 line 28 through Page 10 line 17. Page 14 line 16 through Page 15 line 19.

VI. 37 CFR 1.607(a)(6)

37 CFR 1.607(a)(6) is irrelevant since this request and the accompanying 37 CFR

1.607(a)(4) amendment are being submitted prior to one year from the date on which the

Lazaridis et al. patent was granted.

VII. 37 CFR 1.608

37 CFR 1.608 is irrelevant since the effective filing date of this application precedes the

effective filing date of the Lazaridis et al. patent.   Moreover, that applicants are entitled to their

November 13, 1995 priority date for the proposed count can be demonstrated as follows:

33. A method of forwarding messages between a host system and a mobile client, comprising the steps of:	Col. 1 line 61 through Col. 2 line 7. Col. 4 lines 31-62.
establishing a session based on loaded parameters at the host system;	Col. 1 line 61 through Col. 2 line 7. Col. 3 lines 30-46.
maintaining the session at the host system and querying the host system;	Col. 1 line 61 through Col. 2 line 7. Col. 3 lines 30-46.
receiving messages directed to a first address at the host system from a plurality of message senders;	Col. 2 lines 24-44. Col. 4 lines 31-62.
in response to a query, continuously forwarding the messages from the host system to the mobile client;	Col. 4 lines 31-62.
receiving the messages at the mobile client;	Col. 4 lines 31-62.
generating reply messages at the mobile client to be sent to the plurality of message senders and transmitting the reply messages to the host system;	Col. 2 lines 24-44.
receiving the reply messages at the host system and configuring address information of the reply messages such that the reply messages use the first address associated with the host system as the originating address, wherein messages generated at either the host system or the mobile client share the first address; and	Col. 2 lines 24-44.
transmitting the reply messages from the host system to the plurality of message senders.	Col. 2 lines 24-44.

VIII. REQUEST FOR THE BENEFIT OF THE FILING DATES OF APPLICANTS' PRIORITY APPLICATIONS

The present application was filed under 37 CFR 1.53(b) as a divisional application of

prior U.S. Application No. 08/574,541. The '541 application was filed on December 19, 1995 as

a continuation-in-part of application serial No. 08/557,657. The '657 application was filed on

November 13, 1995 and issued as U.S. Patent No. 5,771,353 on June 23, 1998.

Applicants are entitled to the benefit of the filing dates of their earlier filed applications for interference purposes if the count reads on at least one adequately disclosed embodiment in each of the earlier applications.[1] Assuming that the examiner recommends to the board applicants' proposed count, applicants clearly meet that standard. The disclosure of the '657 application is identical to the disclosure of this application, and the application of the terms of applicants' claims to the disclosure of this application in Section V herein is equally applicable to the disclosure of the '657 application. As for the '541 application, the terms of applicants' claim 33 can be read on the disclosure of that application as follows:

33. A method of forwarding messages between a host system and a mobile client, comprising the steps of:	Col. 1 line 61 through Col. 2 line 7. Col. 4 lines 31-62.
establishing a session based on loaded parameters at the host system;	Col. 1 line 61 through Col. 2 line 7. Col. 3 lines 30-46.
maintaining the session at the host system and querying the host system;	Col. 1 line 61 through Col. 2 line 7. Col. 3 lines 30-46.
receiving messages directed to a first address at the host system from a plurality of message senders;	Col. 2 lines 24-44. Col. 4 lines 31-62.
in response to a query, continuously forwarding the messages from the host system to the mobile client;	Col. 4 lines 31-62.
receiving the messages at the mobile client;	Col. 4 lines 31-62.
generating reply messages at the mobile client to be sent to the plurality of message senders and transmitting the reply messages to the host system;	Col. 2 lines 24-44.
receiving the reply messages at the host system and configuring address information of the reply messages such that the reply messages use the first address associated with the host system as the originating address, wherein messages generated at either the host system or the mobile client share the	Col. 2 lines 24-44.

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[1] Weil v. Fritz, 572 F.2d 856, 865-66 n.16, 196 USPQ 600, 608 n.16 (CCPA 1978).

first address; and transmitting the reply messages from the host system to the plurality of message senders.	Col. 2 lines 24-44.

For the foregoing reasons, the party Eggleston et al. should be the senior party in the requested interference.

Respectfully submitted,

Charles L. Gholz
Registration No. 26,395
Attorney of Record
OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 412-6485 (direct dial)
(703) 413-2220 (facsimile)
CGHOLZ@OBLON.COM (e-mail)

Of Counsel:

W. Todd Baker, Esq.
Registration No. 45,265
OBLON, SPIVAK, McCLELLAND,
 MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 412-6383 (direct dial)
(703) 413-2220 (facsimile)
TBAKER@OBLON.COM (e-mail)

Mr. Daniel H. Sherr
Registration No. 46,425
OBLON, SPIVAK, McCLELLAND,
 MAIER & NEUSTADT, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, Virginia 22202
(703) 412-6483 (direct dial)
(703) 413-2220 (facsimile)
DSHERR@OBLON.COM (e-mail)

Richard Sonnentag, Esq.
Registration No. 36,283
Motorola
Intellectual Property Section–Law Department
1303 East Algonquin Road
Schaumburg, IL 606196
(847) 538-2449) (direct dial)
(847) 576-2818 (facsimile)

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